IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

THURSDAY, THE 9TH AUGUST 2007 / 18TH SRAVANA 1929

Crl.MC.No. 3060 of 2004

CRMP.6188/2004 of JUDL.MAGISTRATE OF FIRST CLASS, SASTHAMCOTTA

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PETITIONER:

STATE OF KERALA (REP. BY THE
TAHSILDAR, KUNNATHUR TALUK,
KOLLAM DISTRICT) BY PUBLIC
PROSECUTOR, HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR SRI.P.RAVINDRA BABU

RESPONDENTS:

1. SHIHAD M.,MEENATHATHILVEEDU,
   VENGAI P.O., SASTHAMKOTTA.

2. JUDICIAL FIRST CLASS MAGISTRATE,
   SASTHAMKOTTA.

THIS CRIMINAL MISC. CASE HAVING BEEN FINALLY HEARD ON 09/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.P. Balachandran, J.

Crl.M.C.No. 3060 of 2004

ORDER

The prayer in this Crl.M.C., filed by the state on behalf of the Tahsildar, Kunnathur Taluk, Kollam District, is to quash Annexure A1 and all other proceedings and consequential proceedings in Crl.M.P.No.6188/04, initiated by the Judicial First Class Magistrate, Sasthamcotta. Notice issued to the first respondent does not appear to have been served till date. But, all the same, on instructions from this Court, Public Prosecutor ascertained and reported that the lorry has been released to the first respondent on 29.11.2004 as per the orders of the learned Magistrate. This Crl.M.C., in the circumstances, does not serve any purpose. Public Prosecutor expressed the doubt as to whether the learned Magistrate might be proceeding with Annexure A1 notice issued by him and that, in that event, he may have to seek appropriate remedies.

Without prejudice to the petitioner resorting to appropriate remedies, if any proceedings are being continued in pursuance of Annexure A1, I dismiss this Crl.M.C.

9th August, 2007 (K.P.Balachandran, Judge)

tkv